[3rd April 1947

Appendix III.

[Vide item III (1) at page 553 supra]

L.A. BILL No. 9 OF 1947

(As passed by the Assembly).

A Bill to authorize entry into Hindu temples in the Province of Madras and the offer of worship therein by certain classes of Hindus who by custom or usage are excluded from such entry and worship.

Whereas it is the policy of the Provincial Government to remove the disabilities imposed by custom or usage on certain classes of Hindus against entry into Hindu temples in the Province which are open to the general Hindu public;

And whereas the Provincial Government are satisfied, from the rapidity with which, under pressure of Hindu public opinion, a number of temples have been thrown open to those classes of Hindus in recent months, under the provisions of the Madras Temple Entry Authorization and Indemnity Act, 1939, that the time has now arrived for throwing open to such classes of Hindus all temples in the Province which are open to the general Hindu public;

Madras Act XXII of 1939.

And whereas the Provincial Government consider that the provisions of the said Act are inadequate for the early and complete implementation of the policy of the Provincial Government aforesaid;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Madras Temple Entry Authorization Act, 1947.

(2) It extends to the whole of the Province of Madras.

(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force on such date as the Provincial Government may, by notification in the *Fort St. George Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) 'excluded class' means any caste or class of the Hindu community which, by reason of any established custom or usage, is excluded from entering the temple concerned or offering worship therein;

(2) 'temple' means a place, by whatever name known, which is dedicated to, or for the benefit of, or used as of right by, the Hindu community in general, as a place of public religious worship, and includes subsidiary shrines and mantapams attached to such place;

(3) 'worship' means such religious service as the bulk of the worshippers may offer, or participate in, in accordance with such rules and regulations as may be made under this Act.

Right of excluded classes to enter and offer worship in temples.

3. (1) Notwithstandin any law, custom or usage to the contrary, persons belonging to the excluded classes shall be entitled to enter any Hindu temple and offer worship therein in the same manner and to the same extent as Hindus in general; and no member of any excluded class shall, by reason only of such entry or worship, whether before or after the commencement of this Act, be deemed to have committed any actionable wrong or offence or be sued or prosecuted therefor.

(2) Without prejudice to the generality of the foregoing provision, it is hereby declared that the right conferred by sub-section (1) shall include the following rights if, and to the extent to which, they are enjoyed by Hindus in general, not belonging to the excluded classes :—

(*a*) the right to bathe in, or use the waters of, any sacred tank, well, spring or water-course appurtenant to the temple, whether situated within or outside the precincts thereof ;

(*b*) the right of passage over any sacred place, including a hill or hillock or a road, street or pathway, which is requisite for obtaining access to the temple.

Power of trustees to make regulations for the maintenance of order and decorum and the due performance of rites and ceremonies in temples.

4. The trustee or other authority in charge of a temple shall have power, subject to the control of the Provincial Government and to any rules which may be made by them, to make regulations for the maintenance of order and decorum in the temple and the due observance of the religious rites and ceremonies performed in the temple, but such regulations shall not discriminate in any way against the members of the excluded classes.

Sanction for institution or continuance of suits, prosecutions, etc.

5. (1) No suit for damages, injunction or declaration or for any other relief, no prosecution for any offence, and no application or other proceeding under the Madras Hindu Religious Endowments Act, 1926, or any other law, shall be instituted in respect of any entry into or worship in any temple, whether before or after the commencement of this Act, on the sole ground that such entry or worship is against the custom or usage which excludes certain classes of Hindus from such entry or worship. Madras Act II of 1927.

(2) No suit, prosecution, application or proceeding of the nature aforesaid, instituted before the commencement of this Act, shall be continued thereafter, without the sanction of the Provincial Government.

Power to decide disputes.

6. If any question arises as to whether a place is or is not a temple as defined in this Act, the question shall be referred to the Provincial Government and their decision shall be final subject, however, to any decree passed by a competent civil court in a suit filed before it within six months of the date of the decision of the Provincial Government.

Penalties.

7. Whoever—

(i) prevents a person belonging to any excluded class from exercising any right conferred by this Act, or

(ii) molests or obstructs any such person in the exercise of any such right

shall be punishable, in the case of a first offence, with fine which may extend to one hundred rupees, and in the case of a second or subsequent offence, with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Rules.

8. (1) The Provincial Government may make rules for the purpose of carrying into effect the provisions of this Act in respect of temples generally or of any temple or class of temples.

(2) All rules made under this section shall be published in the *Fort St. George Gazette*, and, on such publication, shall have effect as if enacted in this Act.

[3rd April 1947

9. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government, as occasion requires, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

Power to remove difficulties.

Madras Act XX of 1938. Madras Act XXII of 1939.

10. The Malabar Temple Entry Act, 1938, and the Madras Temple Entry Authorization and Indemnity Act, 1939, are hereby repealed.

Repeals.

Madras Act II of 1927.

11. In section 40 of the Madras Hindu Religious Endowments Act, 1926, for the words and figures "Subject to the provisions of the Malabar Temple Entry Act, 1938, and the Madras Temple Entry Authorization and Indemnity Act, 1939", the words and figures "Subject to the provisions of the Madras Temple Entry Authorization Act, 1947," shall be substituted.

Amendment of section 40, Madras Act II of 1927.

Appendix IV.

[Vide item III (2) at page 595 supra.]

L.A. BILL No. 10 OF 1947

(As passed by the Assembly).

A Bill further to amend the Madras Payment of Salaries and Removal of Disqualifications Act, 1937.

Madras Act IX of 1937.

Whereas it is expedient further to amend the Madras Payment of Salaries and Removal of Disqualifications Act, 1937, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Act, 1947.

Short title.

Madras Act IX of 1937.

2. In section 4, sub-section (1), of the Madras Payment of Salaries and Removal of Disqualifications Act, 1937, which relates to the President of the Legislative Council, for the words "a salary of rupees five hundred per mensem", the words "a salary of rupees one thousand per mensem" shall be substituted.

Amendment of section 4, Madras Act IX of 1937.

TAMIL NADU LEGISLATIVE ASSEMBLY TRUTH ALONE TRIUMPHS